

Serial No. 10/808,488

Docket No. LT-0050

Amdt. dated January 3, 2007

Reply to Office Action of September 19, 2006

### **REMARKS**

By the present response, Applicant has canceled claims 10, 19 and 28 without disclaimer. Further, Applicant has amended claims 1, 5, 12, 21, 24 and 30 to further clarify the invention. Claims 1-9, 11-18, 20-27 and 29-33 remain pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 5, 24 and 30-33 have been rejected under 35 U.S.C. § 112, second paragraph. Claims 1-33 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,968,468 (Lam).

#### **35 U.S.C. § 112 Rejections**

Claims 5, 24 and 30-33 have been rejected under 35 U.S.C. § 112 second paragraph. Applicant has amended these claims to further clarify the invention and respectfully requests that these rejections be withdrawn.

#### **35 U.S.C. §102 Rejections**

Claims 1-33 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Lam. Claims 10, 19 and 28 have been canceled. Applicant respectfully traverses these rejections as to the remaining pending claims.

Lam discloses a computer capable of playing real time applications that includes a processing circuit configured to operate in a first power state, a second power state, and a third

power state where the processing circuit consumes less power in the second state than in the first state, and less power in the third state than in the second state; and a real time subsystem coupled to the processing circuit, wherein the real time subsystem includes a buffer. The buffer is further configured to store data and output the data to an output device thereby enabling the processing circuit to enter the third power state while the buffer is outputting the data.

Regarding claims 1 and 21, Applicant submits that Lam does not disclose or suggest the limitations in the combination of each of these claims of, *inter alia*, where forcing the power management state of the CPU to enter the prescribed power saving state comprises: establishing a prescribed delay interval of time, rechecking whether the power management state has entered the prescribed power saving state after the prescribed delay interval has passed and forcing the power management state of the CPU to enter the prescribed power saving state when the rechecked power management state is not the prescribed power saving state, or a timer configured to establish a prescribed delay interval of time, where the filter driver rechecks whether the power management state has entered the prescribed power saving state after the prescribed delay interval has passed, the filter driver forcing the transition of the power management state of the CPU to the prescribed power saving state when the rechecked power management state is not the prescribed power saving state.

The Examiner (on page 5 of the Office Action) states that Lam discloses these limitations by merely asserting that “it is inherent that a system would check to whether the CPU has

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entered the power saving state in order for the CPU to optimize the power savings". Applicant submits the limitations in the claims of the present application are not inherent in Lam and there is no disclosure in Lam that supports the Examiner's asserted inherency. Moreover, Applicant submits that this is an improper § 102 rejection in that the Examiner fails to specifically point out where in the cited reference each and every limitation in the claims is allegedly disclosed or suggested.

Further, Lam does not disclose or suggest establishing a prescribed delay interval of time, or rechecking whether the power management state has entered the prescribed power saving state after the prescribed delay interval has passed. Lam merely relates to a CPU entering a third (reduced) power state while a buffer is outputting data. There is no disclosure or suggestion in Lam of a prescribed delay interval of time or rechecking whether the power management state has entered the prescribed saving state after the prescribed delay interval has passed, as recited in the claims of the present application.

Claims 12 and 30 define patentable subject matter for at least reasons similar to claims 1 and 21, respectively.

Regarding claims 2-9, 11, 13-18, 20, 22-27, 29 and 31-33, Applicant submits that these claims are dependent on one of independent claims 1, 12, 21 and 30 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

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Accordingly, Applicant submits that Lam does not disclose or suggest the limitations in the combination of each of claims 1-9, 11-18, 20-27 and 29-33 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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### CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1-9, 11-18, 20-27 and 29-33 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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